IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY**

**and**
**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT APPEAL NO : 972 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 19/02/2004 in WP No : 5995 OF 2001 on the file of the High Court.)

Between:

M/s Vijaya Co-operative House Building Society,

Jubilee Hills, 10C Road, Yousufguda,
Police Old Firming Range, Hyderabad, rep.by its Secretary, Sri P.Nageswara Rao

**..... APPELLANT**

AND

1 K.Gopal Reddy, S/o Sanjeev Reddy,
R/o H.No.10-3313/11, P.S.Nagar Near Masab Tank,

Hyderabad.
2 A.V.G.Krishna Murthy, Retd.Secretary, Assembly 5/3 RT

Ameerpet, Hyderabad.
3 D.Subrahmanyam, Joint Secretary (Retd) Assembly,
520 SRT Sanathnagar, Hyderabad.
4 The Sub-Registrar (Registration and Stamps) Banjara Hills,

Yerragadda, Hyderabad (not necessary party)
5 The Joint Sub-Registrar, (Registration and Stamps), District

Registrars Office, Mozam Zahi Market,
Hyderabad (Not Necessary Party)

**..RESPONDENTS**

**Counsel for the Appellant: MR.P.SRINIVASULU**

**Counsel for the Respondent No 1-3.:Mr.P.Venugopal & MR.V.VENKATA RAMAIAH, Advocates.**

**Counsel for Respondent No.4-5: G.P for Revenue.**

**The Court made the following :**

**ORAL ORDER**: (Per Sri BRSR.J)

The subject matter that arises for consideration in this writ appeal is squarely covered by our judgment just now passed in W.A.No.1486 of 2004dismissing the same. In such view of the matter, the view taken by the learned single Judge is unsustainable in law. It is unnecessary to reiterate that the registering authority is not under any statutory obligation to make an enquiry whenever a cancellation deed is presented for registration for the purposes of satisfying himself as to whether for good reasons the document has been presented or not. Law does not impose any such obligation on the registering authority nor there is any provision enabling him to make any such enquiry. The dispute is essentially between the appellant and the writ petitioner, which is required to be resolved in a properly constituted common law proceeding.

In such view of the matter, the impugned order is set aside. The writ appeal is accordingly allowed. The writ petition shall accordingly stand dismissed. This order however shall not preclude the parties to avail such remedies as may be available to them in law in which event the matter shall be considered on its own merits

uninfluenced by any of the observations made in the order passed by the learned single Judge and as well as the observations, if any, made in this order. No costs.

(B.SUDERSHAN REDDY,J)

DATED 11.10.2004

(K.C.BHANU)

msv.

To

1. The Sub-Registrar (Registration and Stamps),

Banjara Hills, Yerragadda, Hyderabad (along with a copy of Judgment in WA No.1486 of 2004)

2. 2 CCs to G.P. for Revenue, High Court of A.P.Hyd (OUT)

(along with a copy of Judgment in WA No.1486 of 2004)

3. 2 CD copies.

4. The Joint Sub-Registrar (Registration & Stamps)

District Registrar's office, Mozemzahimarket, Hyd.

(along with a copy of Judgment in WA No.1486 of 2004)